



House fails measure requiring certain emergency protocol in schools; other bills pass

(eCap) A bill failed the House Tuesday afternoon requiring schools to have an emergency information and school safety program, essentially an emergency button at a school which connects to first responders in case of an emergency. A number of other measures won the chamber's approval in an afternoon floor session that lasted until around 10 p.m.

HB1518, as amended, by Rep. Josh Cockroft, R-Tecumseh and Sen. Kimberly David, R-Porter, creates the Oklahoma Emergency Information and Secure Schools Program. It defines terms used therein. It requires the program be a hosted, supplemental 9-1-1 and emergency management database and be used by all public safety answering points and emergency management agencies within the state. It outlines the tasks and responsibilities of the service. It requires public safety and emergency management agency's make reasonable efforts to publicize the system via provided outlets. It requires information accrued be kept confidential. It requires means for nonverbal communicators to access the system. The bill requires the program to provide telecommunicators with the ability to make notations that are associated with the phone number of the incoming 9-1-1 call. It specifies what the notations must do. It requires the program to link elementary and secondary Oklahoma public schools directly to 9-1-1 during emergency situations using the same public safety infrastructure. It requires an application containing a mobile panic alarm be made available to teachers, faculty and staff in elementary and secondary Oklahoma public schools. It defines the requirements for the application, usage and its authorization.

The amendment modified the process of the procurement of the system to be used through a bidding process with the Office of Management and Enterprise Services. While the original language required funding to come from the Tobacco Settlement Endowment Trust Fund (TSET), the amendment also modified that requirement.

The original language required funding through an appropriation from TSET to cover the initial costs of system deployment. The amendment required funding through the "earnings available for the distribution from" TSET.

This TSET funding issue garnered most of the concern and questions from members. Rep. Brian Renegar, D-McAlester, even noted that a TSET employee requested he vote against the measure.

Cockroft said, though, that the new language would allow TSET to opt out of the bidding process by which OMES would procure a company to implement the system.

Some members, including Rep. Emily Virgin, D-Norman, and Rep. Mark McBride, R-Moore, noted that the Legislature is prohibited from mandating TSET funds be spent in a certain way.

Cockroft said he is working with TSET to see whether or not those funds may be used on the implementation of the measure.

McBride, though, said Cockroft should lay the bill over while he works with TSET. A measure he introduced requiring certain TSET funds to be used in schools for health-related purposes was laid over by McBride at the request of TSET.

Cockroft said the total fiscal impact is projected to be over \$1 million. In response to one member's question, he said if the TSET

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Quote of the Day

"It's amazing to me that the only people fighting to continue abortion and murder these unborns have already been born themselves."

Rep. John Bennett, R-Sallisaw

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funding issue could not be settled and funding could not be secured for the measure, it would not continue through the legislative process.

The bill ultimately failed by a vote of 35 to 60. Cockroft served notice that at some future legislative day he may wish to reconsider the vote by which the measure failed.

The House will reconvene Wednesday at 9:30 a.m. with the intention of completing its consideration of bills and joint resolutions, one day before the deadline for floor consideration in the chamber of origin.

The following bills passed during the afternoon and evening session:

- **HB1010**, as amended, by Rep. Weldon Watson, R-Tulsa, requires each county assessor to adhere to rules, regulation, schedules and guides published by the Oklahoma Tax Commission. It requires county assessors to use schedules of values of personal property in the assessment of personal property. The bill passed 63 to 27. The amendment exempts agricultural equipment.
- **HB1216**, by Rep. Forrest Bennett, D-Oklahoma City, prohibits any state governmental entity or political subdivision from entering into an agreement with the provider of Internet services or other telecommunication services for the creation of a Wi-Fi hotspot within close proximity to a structure owned by the state governmental entity or political subdivision. The bill passed 88 to 5.
- **HB1243**, by Rep. Mark Lepak, R-Claremore, exempts from certain investment requirements money belonging to estates of minors and incapacitated or partially incapacitated persons, subject to the jurisdiction of a court, when an individual guardian is investing the money belonging, provided that the guardian has contracted with a person who is a registered investment advisor representative pursuant to the Oklahoma Uniform Securities Act of 2004 and a certified Financial Planner credentialed by the Certified Financial Planner Board of Standards; provided further that the court authorizes such investments. The bill passed 83 to 10.
- **HB1281**, by Rep. Kevin Wallace, R-Wellston, and Sen. Dan Newberry, R-Tulsa, creates the Construction Registry Act, creating and allowing the use of a Construction Registry. It requires the Secretary of State to initiate a request for a proposal to contract with a provider to manage the Registry and promulgate rules. It creates the Administrator of the Oklahoma Construction Registry and allows the employment of personnel. The bill allows an owner or general contractor to register a project and receive certain benefits. It requires certain information to be provided in order to receive a construction registry number and establishes a fee schedule. The bill passed 76 to 16.
- **HB1283**, by Wallace, allows a provisional license to be renewed if an applicant is otherwise compliant with the requirements of the Oklahoma Inspectors Act including meeting continuing education requirements if the licensed building and construction inspector is not employed at the time of renewal. It requires however said application reflects the change in employment along with a request to renew as inactive status. It allows an inactive license status to be change to active upon notification of employment to the Construction Industries Board. It defines new terms used therein in addition to modifying those included in the original language. It requires the Board to create for one acting as or performing the work of a building and construction inspector a separate classification of inspector license to act as an authorized agent of a political subdivision and such licensure be governed by the Oklahoma Inspectors Act. It provides the process by which an individual may obtain an authorized agent inspector license. It specifies restrictions on authorized agent inspector licenses. The bill passed 85 to 7.
- **HB1288**, with title stricken, by Rep. Kevin West, R-Moore and Sen. Jason Smalley, R-Stroud, exempts a public construction contract from retainage. The bill passed 74 to 15.

- **HB1304**, by Rep. Casey Murdock, R-Felt, modifies definitions within the Oklahoma Swine Feeding Operations Act. It removes language regarding operations subject to the Oklahoma Swine Feeding Operations Act and provides an exception to setback requirements. It specifies that no concentrated swine feeding operation is to be established if located on land within three miles of the limits of any municipality unless the municipality's governing body executes a written waiver of the setback for the particular animal feeding operation. It prohibits a change in ownership of the property on which the operation is located from affecting the

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validity of the waiver. The bill passed 82 to 14.

- **HB1371**, with title stricken, by Rep. Johnny Tadlock, D-Idabel, and Sen. Joseph Silk, R-Broken Bow, deletes the date requirement for the appointment of a judicial district supervised visitation team. The bill passed 91 to 0.

- **HB1377**, with title stricken and as amended, by Rep. Weldon Watson, R-Tulsa, creates the Twenty-first Century Corporation Commission Task Force to study regulation to determine if the Corporation Commission is properly structured to operate in the twenty first century. It establishes membership and requirements for information to be included in the assessment. It requires an organizational meeting to be held no later than December 1, 2017 and allows business to be conducted without a quorum. It prohibits the task force from being subject to the Oklahoma Open Meeting Act. It requires a final report to be developed by December 1, 2018 and requires termination of the task force December 2, 2018. The bill passed 91 to 0. The amendment modifies make-up of the task force.

- **HB1425**, by Lepak, creates the Joint Committee on Accountability. It establishes the committee's powers and duties. The bill requires the State Auditor and Inspector to conduct a performance audit each year of those state agencies specified by law or concurrent resolution of the Legislature or designated by the Joint Committee on Accountability, subject to available funding. It provides for priorities. It sets goals for such audits. The bill requires copies of the reports of audits conducted to be furnished to the Governor, the President Pro Tempore of the Senate, the Speaker of the House of Representatives, each member and the staff of the Joint Committee on Accountability, the audited state agency and each member of the governing board of the state agency, if applicable, and other interested persons or agencies. It allows the copies to be furnished electronically. It provides procedures by which an investigation may be ordered or conducted by the committee. It requires all expenditures made by the committee or any other state governmental entity acting at the request of or conjunction with the committee be deemed "records" within the meaning defined in the Oklahoma Open Records Act. It requires all payments received by the State Auditor and Inspector from providing continuing professional education be deposited to the State Auditor and Inspector Revolving Fund. It clarifies statutory language. The bill passed 87 to 3 and its emergency clause passed 69 to 20.

- **HB1433**, with title stricken, by Rep. Jason Murphey, R-Guthrie, and Sen. Paul Scott, R-Duncan, prohibits the Oklahoma State Board of Examiners for Long-Term Care Administrators from requiring a two-year degree or proof of a passing score on the National Association of Long Term Care Administrator Boards Exam or Board-certified internship in future licensing or certification requirements. The bill passed by a vote of 87 to 9.

- **HB1459**, as amended, by Rep. Jon Echols, R-Oklahoma City and Sen. A J Griffin, R-Guthrie, provides an exemption for students who were adopted while in the permanent custody of the Department of Human Services from the previous school year attendance requirement for eligibility under the Lindsey Nicole Henry Scholarship. The bill passed 90 to 0. The amendment modifies eligibility to foster children who would only otherwise be eligible for the scholarship.

- **HB1532**, by Rep. John Montgomery, R-Lawton, requires evaluation criteria for the Incentive Evaluation Act developed to now include requirements for analysis of the salaries and other forms of compensation paid to employees of the business entity which benefits from an incentive. The bill passed by a vote of 92 to 3.

- **HB1534**, with title stricken, by Montgomery, and Sen. James Leewright, R-Bristow, creates the Oklahoma Public and Private Facilities and Infrastructure Act, due to a need for public infrastructure and government facilities in this state that serve a public need and purpose. The bill provides for the purpose of the Act. The bill defines terms. The bill requires a contracting entity to obtain the approval of and contract with the responsible governmental entity under the Act in order to develop or operate a qualifying project. The bill provides for procedure and requirements for proposals of qualifying projects. The bill provides for the approval process and authorizes governmental organization to enter into contracts. The bill specifies duties of the contract and specifies funding mechanisms. The bill provides for public access to records. The bill passed 79 to 14.

- **HB1537**, as amended, by Rep. Jason Dunnington, D-Oklahoma City and Sen. J.J. Dossett, D-Sperry, creates the Water for 2060 Revolving Fund for the Oklahoma Water Resources Board in the State Treasury. It provides the fund's purpose. It directs monies accruing to the credit of the fund appropriated and be budgeted and expended by the Oklahoma Water Resources Board for the purpose of promoting efficient water use by municipalities and residents of municipalities. It requires expenditures from the fund be made upon warrants issued by the State Treasurer against claims filed as prescribed by law with the Director of the Office

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of Management and Enterprise Services for approval and payment. It requires any commercial irrigation system to have accurate water metering as part of its manufactured design or to allow metering by a device after its manufacture that allows accurate water metering and allots for fines for those found in violation. It allows any municipality within the state which implements an inclined block rate structure for use of municipal water by persons, business entities and other users to retain all revenues derived from the sale of water to each user subject to a maximum of 25,000 gallons per month and allots for fines for those found in violation. It requires fees from the violations be deposited in the revolving fund. The bill passed 53 to 41. The amendment changes the effective date to January 1, 2019 and prohibits the provisions of the measure from being applicable to water sold to any city, town, rural water district or nonprofit corporations that are engaged in the sale or resale of water.

- **HB1572**, by Rep. Marcus McEntire, R-Duncan, removes the authority of the Workers' Compensation Commission to contract with an appropriate state governmental entity, insurance carrier or approved service organization to process, investigate and pay valid claims against an impaired self-insurer which fails, due to insolvency or otherwise, to pay its workers' compensation obligations, charges for which are required to be paid from the proceeds of security posted with the Commission. The bill updates statutory references. The bill removes the requirement that rules must be approved by the Insurance Department concerning employers' satisfactory proof of their ability to pay claims. It reduces the amount of the balance of the Self-Insured Guaranty Fund at which the commission must implement an assessment and increases the amount of the assessment. It modifies procedures when the commission determines a self-insurer has become an impaired self-insurer. The bill passed by a vote of 87 to 2.

- **HB1636**, by Rep. Scott Inman, D-Del City, requires the utility owners to provide funds if utility facilities requiring relocation are owned by another municipality having a population of 5,000 or more, in which case the utility owner shall furnish the funds. It eliminates the inclusion of private utility companies under the bill's provisions. The bill passed 92 to 1.

- **HB1684**, by Rep. Harold Wright, R-Weatherford, and Sen. Eddie Fields, R-Wynona, requires that a school district that adopts a four-day school week and any related rules submit a plan to the State Board of Education no later than September 1. It requires any such plan detail goals to be achieved by the four-day school week as well as intended education and fiscal benefits and the anticipated impacts or outcomes the plan will have in the school district including a discussion of any potential disadvantages that have been identified by the school district. It requires such a plan be for no longer than three years, and the district provide an updated plan at the beginning of the third year. Wright served notice reconsideration on the vote by which the bill failed. The bill passed 53 to 38.


- **HB1720**, with title stricken, by Rep. Lewis Moore, R-Arcadia, and Rep. Mark McBride, R-Moore, requires insurance companies to provide a premium discount or insurance rate reduction in an amount and manner as established therein commencing on January 1, 2018. It allows insurance companies to offer additional adjustments in deductible, other credit rate differentials or a combination thereof. The bill requires said adjustments be available under terms specified therein to any owner who builds or locates a new insurable property in Oklahoma to resist loss due to tornado or other catastrophic windstorm events. It provides procedures by which to obtain said adjustments. It provides requirements for the owner of insurable property claiming such an adjustment. It provides for the submission of rates and rating plans by insurers. It defines terms used therein. It requires said provisions only apply to new insurance policies written, or existing policies renewed, on or after January 1, 2018. It requires the Insurance Commissioner to promulgate rules. The bill passed 93 to 0.



- **HB1789**, by Rep. Edward Cannaday, D-Porum, and Sen. Dewayne Pemberton, R-Muskogee, requires quality training to be provided in multisensory structured language teaching methods in order to meet the needs of students identified as having dyslexia. It establishes criteria for quality training. The bill also requires teacher candidates to study multisensory structured teaching methods proven effective for students with dyslexia. The bill and its emergency clause passed 84 to 9.



- **HB1703**, by Rep. Kevin Calvey, R-Oklahoma City, creates the Choosing Childbirth Act which requires the State Department of Health to make grants to a grant-supervising entity for the purpose of reimbursing private organizations in Oklahoma for the expense of programs providing nonprofit, pro-life organizations. It requires the Department to monitor the organizations to ensure grant money is spent in certain ways. It requires the Act to be implemented when funds become available. The bill passed 81 to 11.



- **HB1839**, by Rep. Leslie Osborn, R-Mustang, and Sen. Kimberly David, R-Porter, modifies references to taxable years for tax credits for aerospace engineers. The bill passed by a vote of 84 to 11.



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- **HB1846**, by Rep. Leslie Osborn, R-Mustang, and Sen. Jason Smalley, R-Stroud, creates the Gross Production Support for Education Fund. The bill identifies revenue sources for the fund. It establishes the fund's purpose. It requires monies therein only be expended for kindergarten through twelfth grade public education. The bill limits the authority by which to appropriate from the fund. It prohibits the supplanting of other funding. It defines terms. The bill passed 64 to 29. The emergency passed 68 to 25



- **HB1894**, by Calvey and Sen. Anthony Sykes, R-Moore, modifies the definition of "person legally authorized to make health care decisions" within the Nondiscrimination in Treatment Act. The bill authorizes those reasonably available and willing to make health care decisions for an adult patient or patient under 18 years of age who has consented to have services provided by health professionals but is otherwise persistently unconscious, incompetent or otherwise mentally or physically incapable of communicating under the same standard as that applicable to making life-sustaining treatment decisions. It also establishes procedures for permitting health care provider or class member to petition a court for jurisdiction over a guardianship proceeding concerning the patient. The bill prohibits an individual who has been found to have committed abuse, verbal abuse or exploitation from making case decisions for an incapacitated person. The bill passed 72 to 18.


- **HB1925**, by Rep. Chris Kannady, R-Oklahoma City, as amended and with title stricken, requires a justice in office Nov. 1, 2017 to serve the term for which the justice was appointed or retained or until the successor is appointed. The bill modifies districts in which in Supreme Court Justice represents and aligns them with Congressional Districts. requires a justice in office Nov. 1, 2017 to serve the term for which the justice was appointed or retained or until the successor is appointed. The bill modifies districts in which in Supreme Court Justice represents and aligns them with Congressional Districts. The bill passed 77 to 16. The amendment keeps the current Supreme Court in office until the bill takes effect.


- **HB1944**, with title stricken, by Rep. John Jordan, R-Yukon, modifies definitions within the Administrative Procedures Act. It gives the Governor the authority to approve or disapprove agency rules. It allows him or her 45 calendar days from receipt of a rule to approve or disapprove the rule and establishes a notification process to state agencies of the approval or disapproval of rules. It adds that rules not approved by the Governor will not become effective unless otherwise approved by the Legislature by joint resolution. It also establishes a process by which the Legislature may approve an agency rule by joint resolution. The bill passed 89 to 2.

- **HB1948**, with title stricken, by Jordan, allows any person or entity lawfully operating business in the state to use public roads and highways and allows for the use of the public roads and highways by any business to be used for the purpose of placing temporary pipe and supporting equipment for the transportation and disposal of waste water used in the process of oil production. It establishes guidelines for the temporary pipes. The bill passed 55 to 38.

- **HB1980**, as amended, by Rep. Josh West, R-Grove, and Sen. Wayne Shaw, R-Grove, allows a proceeding seeking to disprove the father-child relationship between a child and the child's presumed or acknowledged father to be maintained at any time if the court determined that the mother committed fraud or genetic testing shows the child is not biologically related to the presumed or acknowledged father. The bill passed 93 to 0. The amendment removes the ability for the measure to retroactively take effect.

- **HB1999**, with title stricken, by Jordan, requires all rules promulgated by every agency, board and commission to sunset once every four years. It requires a joint committee to be formed by members of the House and Senate during the year preceding the sunset of each agency's rules. It requires the committee be made up of five members of the House and five members of the Senate. It establishes the process for appointing the chair and vice chair. It provides the members of the review committees does not have to be the same for each agency, board and commission. It requires a review of the rules to be conducted during the interim with a recommendation being made for the rejection and removal of any rules as needed. The bill passed 67 to 27.

- **HB2034**, by Rep. Charles McCall, R-Atoka, modifies the makeup of the Oklahoma State Pension Commission and requires the member appointed by the Speaker of the House to have demonstrated experience in the investment of private or public funds. The bill passed by a vote of 94 to 0.

- **HB2177**, by Rep. John R. Bennett, R-Sallisaw, and Sen. Micheal Bergstrom, R-Adair, authorizes any county, municipality, city, town, school or any other political subdivision to display, in its public buildings and on its grounds, replicas of historical documents

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in the form of statues, monuments, memorials, tablets or any other display that respects the dignity and solemnity of such documents. The bill authorizes the Oklahoma Attorney General to prepare and present a legal defense of the display in the event that the legality or constitutionality of any such display is challenged in a court of law. The bill passed 79 to 11.

- **HB2232**, as amended, by Rep. Glen Mulready, R-Tulsa, requires that any audio or video recordings from recording equipment attached to the person of a law enforcement officer that depict anything other than an officer-involved shooting, use of lethal force, incidents involving medical treatment, upon request of the district attorney or a written application be kept at a minimum of one year. The bill passed 94 to 0. The amendment modified the time in which the recording should be kept from 180 days to one year.

- **HB2234**, by Mulready, requires any controlling person of a domestic insurer seeking to divest its controlling interest in the domestic insurer to file with the Insurance Commissioner a confidential notice of his or her proposed divestiture at least 30 days prior to the cessation of control. The bill passed 85 to 6.

- **HB2273**, by Rep. Terry O'Donnell, R-Catoosa, prohibits any reproductive tissues from being procured for donation purposes from any person testing positive for the human immunodeficiency virus (HIV) infection. It allows organs and tissues to be procured for donation purposes from any person testing positive for HIV infection, provided such procurement and donation are consistent with the HIV Organ Policy Equity and the regulations promulgated by the Organ Procurement and Transplantation Network and the United States Food and Drug Administration. It clarifies language. The bill passed 91 to 1.

- **HB2281**, with title stricken, as amended, by O'Donnell, modifies the penalties and fines associated with the unlawful delivery of goods, false personation, credit or debit card crimes, forged instruments or coins, larceny of lost property and theft of aircraft, automobile or construction equipment. The bill passed by a vote of 84 to 8. The amendment modifies fine amounts.

- **HB2323**, as amended, by Rep. Jeff Coody, R-Grandfield and Sen. Josh Brecheen, R-Coalgate, prohibits any person who is not lawfully present in the U.S. to possess any pistol, imitation or homemade pistol, altered air or toy pistol, machine gun, sawed-off shotgun, rifle or any other dangerous or deadly firearm. It modifies related definitions. It allows any citizen 21 years of age or older, except a convicted felon, to transport a pistol, concealed or unconcealed, loaded or unloaded without a valid handgun license issued pursuant to the Oklahoma Self-Defense Act provided, the citizen is not involved in a crime. It requires a person to identify the fact that they are in possession of a firearm when in contact with any law enforcement officer. It prohibits the individual from being disarmed or restrained by a law enforcement officer absent a reasonable suspicion. The bill passed 70 to 16. The amendment adds a misdemeanor and a \$250 fine for any person who violates the provisions of the bill. It also allows a business entity from controlling the transporting, possessing or carrying of firearms in the vehicle that is under the control of the business entity.

The following bill failed: **HB1710**, by Rep. Mike Ritze, R-Broken Arrow, and Sen. Ervin Yen, R-Oklahoma City, prohibits hospitals and health plans to discriminate against physicians who have been awarded certification by specialty boards recognized by either the American Osteopathic Association or the American Board of Medical Specialties irrespective of recertification status or participation in Osteopathic Continuing Certification or Maintenance of Certification. The bill failed 22 to 71.

[\[LESS\]](#)

Judicial reform measures, other bills win Senate approval in afternoon session

(eCap) Five judicial reform measures won the approval Tuesday afternoon of the Senate, along with a number of other bills.

"These reforms are a measured approach to help restore the balance of power among the three, co-equal branches of government in Oklahoma," Senate President Pro Tempore Mike Schulz, R-Altus, said in a press release following the bills' passage. "Too many times, we've seen the judiciary extend beyond its constitutional role and instead take on the role of a super-legislator. These changes also will roll back the outsized role the trial lawyers play in appointing judges to the bench. The governor's office and the members of the Senate are directly elected by the citizens of Oklahoma and should be afforded more authority and responsibility in judicial appointments."

Two of the measures propose constitutional amendments that would change the way judicial vacancies are filled:

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- **SJR0043**, by Sen. Anthony Sykes, R-Moore, and Rep. Jon Echols, R-Oklahoma City, proposes a vote of the people on a constitutional amendment that would change the way judges are appointed. It would require the Governor to submit names to the Judicial Nominating Commission for rating. It also would require advice and consent of the Senate for nominations. It passed 37 to 8.

- **SJR0044**, also by Sykes and Echols, proposes a vote of the people on a constitutional amendment that would require Senate advice and consent for the appointment of judges. It would permit the Governor to call the Legislature into special session to consider judicial appointments once per quarter. It passed 38 to 7.

Sykes said only one of the measures would be put before voters.

Asked why he was proposing the measures, Sykes said there had been problems in the current judicial selection process. In one instance, he said, the Judicial Nominating Commission sent only two names, instead of three, to the governor. Another time, he added, the ballot to select attorney members of the commission listed three different deadlines for submission.

Sykes also said the fact that every judge had been retained since Oklahoma went to the retention ballot process showed something had to be wrong.

"I didn't major in math, but that should be statistically impossible," he said "...If you're battling a thousand in politics, there must be something wrong.

Related measures that passed Tuesday afternoon included:

- **SB0213**, by Sen. Nathan Dahm, R-Broken Arrow, and Rep. Tim Downing, R-Purcell, requires five Supreme Court Judicial districts and boundaries to correspond to Oklahoma's congressional districts. It requires the number of corresponding Supreme Court Judicial Districts to increase or decrease accordingly in the event Oklahoma gains or loses a congressional district. It requires four Supreme Court Judicial Districts to be statewide at-large districts. It requires said at-large districts increase or decrease accordingly if the state gains or loses a Supreme Court Judicial District that corresponds to the number of congressional districts. The bill passed 44 to 1.

- **SB0708**, by Sykes and Echols, requires a district judge, in addition to the qualifications required by such section and as part of his or her experience as a licensed practicing attorney, to have experience as lead counsel in a minimum of three jury trials brought to verdict prior to filing for such office or appointment. The bill passed 37 to 3.

- Floor substitute for **SB0779**, by Sykes, modifies the composition of district judges in the counties of Grady, Stephens, Jefferson and Caddo. The bill passed 38 to 5.

Sykes, who chairs the Senate Judiciary Committee, said in the press release, "Failing to enact judicial reforms continues to put Oklahoma at the mercy of a system that gives too much power to a select group of trial lawyers instead of the duly elected representatives of the people. The governor and members of the Legislature are immediately accountable to the people for the decisions they make. These common-sense reforms will provide more accountability and help put more power into the hands of the people, as our founders intended."

The following bills also won the Senate's approval during its afternoon session:

- **SB0028**, with title restored, by Sen. Roger Thompson, R-Okemah, and Rep. Avery Frix, R-Muskogee, modifies language related to the Oklahoma Law Enforcement Telecommunications System. It requires the Commissioner of Public Safety to assess and collect costs and fees from subscribers to the system. It modifies language related to expenditures from the fund and permits expenditures from the Department of Public Safety Restricted Revolving Fund for personnel, recurring user fees, necessary hardware and accessories, of equipment, maintenance and operational expenses of the system. The bill passed 44 to 0.

- **SB0174**, by Sen. Stephanie Bice, R-Oklahoma City, and Rep. Glen Mulready, R-Tulsa, permits a spouse of a retail spirits


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license holder to hold a separate interest in up to two package stores. The bill passed 42 to 1.



- **SB0211**, by Bice and Mulready, requires all sales of alcoholic beverages on Sundays by retail spirits licensees be unlawful in any county unless approved by a majority of the registered voters of the county voting at a special election called by the board of county commissioners. The bill requires the election be called by the board of county commissioners upon receipt of a petition signed by registered voters constituting not less than 15 percent of the total votes cast in the county in the last General Election for the Office of Governor, or the election may be called by the board of county commissioners upon its own motion. It allows for counties to opt to sales between the hours of noon and midnight on Sunday. The bill passed 29 to 13.
- **SB0232**, with title, effective date and emergency clause restored, by Sen. Frank Simpson, R-Ardmore, and Rep. Tommy Hardin, R-Madill, consolidates the State Accrediting Agency with the Oklahoma Department of Veterans Affairs. The bill transfers all assets, funds, liabilities, allotments, purchase orders, outstanding financial obligations, encumbrances, records, equipment and other property of the State Accrediting Agency to the Oklahoma Department of Veterans Affairs. The bill transfers all personnel to the ODVA beginning July 1 and establishes procedures for the transfer. It appoints the Director of the ODVA to serve as transition coordinator and requires that they establish a transition team to coordinate the orderly transfer of duties, personnel, property, funds and encumbrances. It removes language related to the Oklahoma Veterans Commission's authority to act as the funding agency for the State Accrediting Agency as it relates to agreements with the State Department of Rehabilitation Services for the vocational rehabilitation of disabled veterans. The bill also repeals statutory language related to the creation of the State Accrediting Agency. The bill and its emergency clause passed 44 to 0.
- **SB0281**, by Sen. Joseph Silk, R-Broken Bow, and Rep. Rick West, R-Heavener, requires an institution that holds a perfected security interest to pay for such services to the special lien holder before repossession of the property in the event the owner of the article of Section 91 Personal Property fails to pay for services rendered and abandons the property. The bill passed 41 to 0.
- **SB0317**, by Sen. Larry Boggs, R-Wilburton and Rep. Scooter Park, R-Devol, permits all-terrain vehicles to be operated on roadway right-of-way along state highways and within unincorporated areas within a county so long as the operation occurs within daylight hours. The bill passed 43 to 0.
- **SB0372**, by Sen. Lonnie Paxton, R-Tuttle and Rep. Jeff Coody, R-Grandfield, permits any notice to a party or any other document required under applicable law in an insurance transaction, or that is to serve as evidence of insurance coverage, to be delivered, stored and presented by electronic means, so long as it meets the requirements of the Uniform Electronic Transactions Act. It provides delivery of a notice or document in accordance with the provisions of the bill will be considered equivalent to any delivery method required under applicable law, including delivery by first class mail; first class mail, postage prepaid; certified mail; certificate of mail; or certificate of mailing. It establishes when a notice or document may be delivered by electronic means by an insurer to a party. It establishes that a producer will not be subject to civil liability for any harm or injury that occurs as a result of a party's election to receive any notice or document by electronic means or by an insurer's failure to deliver a notice or document by electronic means. It establishes that the bill cannot be construed to modify, limit or supersede the provisions of the federal Electronic Signatures in Global and National Commerce Act. The bill defines applicable terms. The bill passed 42 to 0.
- **SB0411**, by Bice and Mulready, modifies the hours during which alcoholic beverages may be sold, limiting the sales and sampling of beer at a brewery to only occur between the hours of 10 a.m. and 2 a.m. It modifies the times in which holders of a Retail Wine License or Retail Beer License or retail licensee may buy alcoholic beverages. The bill passed 36 to 7.
- **SB0486**, by Bice and Mulready, requires the excise tax levied on low-point beer to be due on or before the twentieth day of each month and requires tax payers to file electronically with the Tax Commission showing the total sales of such beverages during the preceding calendar month. It modifies the provisions of a brewer license, distiller license, winemaker license, winemaker self-distribution license, rectifier license, wholesaler license. It modifies the allowable duties of a wholesaler. It modifies the provisions of a Class B wholesaler license, package store license, mixed beverage license, bottle club license, caterer license, and all licenses dealing with the sale or distribution of alcoholic beverages. It repeals duplicate sections and certain effective dates. The bill passed 44 to 0.
- **SB0543**, by Sen. Frank Simpson, R-Ardmore and Rep. Pat Ownbey, R-Ardmore, authorizes the Department of Veterans



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Affairs to construct, establish, administer, operate, and maintain a State Veterans' Cemetery System. It requires the system to consist of one or more cemeteries to serve veterans, spouses and eligible dependents of veterans of the State of Oklahoma. The bill passed 44 to 0.

- **SB0546**  , by Sen. Jason Smalley, R-Stroud and Rep. Mike Sanders, R-Kingfisher, modifies the definition of "subcontractor" as it relates to roofing.k The bill passed 43 to 0.

- **SB0612**  , by Sen. Joseph Silk, R-Broken Bow, and Rep. Rick West, R-Heavener, allows the maximum speed limit of a section of highway to be altered by a county commissioner when requested by residents. It requires the commissioner to prepare a request to submit to the transportation district and requires approval by at least 2 percent of the registered voters in that county. The bill passed 28 to 16.


- **SB0731**  , by Sen. Bryce Marlatt, R-Woodward, and Rep. Kevin Calvey, R-Oklahoma City, requires when royalty proceeds are withheld incorrectly as a result of an error or omission the party whose error or omission caused the incorrect royalty payments be liable for the additional royalty proceeds on such production and all resulting costs or damages incurred. It clarifies language related to compounding interest. It permits the operator to deem all accrued proceeds related to such interest to be abandoned and remit such proceeds as payment pursuant to the Unclaimed Property Act in the event title remains unmarketable for two years after an operator provides written notice of the unmarketable title. It exempts interest on proceeds that has not been paid prior to applicable time periods under certain conditions. The bill passed 42 to 0.


- **SB0752**  , by Sen. Greg Treat, R-Oklahoma City and Rep. Terry O'Donnell, R-Catoosa, changes human sperm, tissue or organ to reproductive tissue that cannot be procured for donation purposes from any person testing positive for the human immunodeficiency virus infection. It permits organ and tissue to be procured for donation purposes from any person testing positive for the human immunodeficiency virus (HIV) infection when such procurement and donation are consistent with the HIV Organ Policy Equity (HOPE) Act (P.L. 113-51, 127 Stat. 579 (2013)) and the promulgated regulations of the Organ Procurement and Transplantation Network and the United States Food and Drug Administration. The bill passed 43 to 0.


- **SB0769** , by Sen. James Leewright, R-Bristow, and Rep. John Montgomery, R-Lawton, creates the Oklahoma Limited Liability Company Act. It establishes new requirements for a person acting on behalf of an incorporator. It authorizes provided actions to determine the validity of provided corporate instruments. It allows corporations to determine where internal claims may be brought. It modifies what exactly any shareholder, member or director may bring an action to interpret, apply or enforce or determine the validity of. It allows the certificate of incorporation or the bylaws to require, consistent with applicable jurisdictional requirements, that any or all internal corporate claims shall be brought solely and exclusively in any or all of the courts in the state, and no provision of the certificate of incorporation or the bylaws may prohibit bringing such claims in the courts of this state. It requires the address of a registered office to include the street, number, city, state and postal code. It modifies what a registered agent of every domestic corporation in the state must be. It provides the responsibilities of each registered agent for a domestic or foreign corporation. It requires every corporation formed under the laws of this state or qualified to do business in this state to provide to its registered agent, and update from time to time as necessary, the name, business address and business telephone number of a natural person who is an officer, director, employee or designated agent of the corporation, who is then authorized to receive communications from the registered agent. The bill requires such person to be deemed the communications contact for the corporation. It requires every registered agent to retain, in paper or electronic form, the information required by this subsection concerning the current communications contact for each corporation for which he, she or it serves as a registered agent. It provides for resignation. It amends the indemnification of officers, directors, employees and agents. It prohibits a right to indemnification or to advancement of expenses arising under a provision of the certificate of incorporation or a bylaw from being eliminated or impaired by an amendment to the certificate of incorporation or the bylaw after the occurrence of the act or omission that is the subject of the civil, criminal, administrative or investigative action, suit or proceeding for which indemnification or advancement of expenses is sought, unless the provision in effect at the time of such act or omission explicitly authorizes such elimination or impairment after such action or omission has occurred. The bill allows the board of directors to determine the amount of such consideration by approving a formula by which the amount of consideration is determined. It amends provisions related to stock certificates and uncertified shares. It provides procedures for the ratification of defective corporate acts and stock. It defines terms used therein. It provides for proceedings regarding the validity of defective corporate acts and stock. It allows a district court to issue orders as may be appropriate, including, without limitation, orders designating the time and place of the meeting, the record date or dates for determination of shareholders entitled to notice of the meeting and to vote, and the form of

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notice of the meeting. It requires that if the board of directors so fixes a date, such date also be the record date for determining the shareholders entitled to vote at such meeting unless the board of directors determines, at the time it fixes such record date, that a later date on or before the date of the meeting be the date for making such determination. It modifies the procedures for voting trusts and other voting agreements. It modifies the list of shareholders entitled to vote and establishes a penalty for refusal to produce a stock ledger. It prescribes new procedures by which to access proxy solicitation materials and for proxy expense reimbursement. It amends the process for the notice of meetings and adjourned. It requires that if after the adjournment a new record date for shareholders entitled to vote is fixed for the adjourned meeting, the board of directors fix a new record date for notice of such adjourned meeting and give notice of the adjourned meeting to each shareholder of record entitled to vote at such adjourned meeting as of the record date fixed for notice of such adjourned meeting. It amends the procedures for vacancies and newly created directorships. It amends the procedures in the cases of contested election among directors and the proceedings by which to determine validity. It establishes procedures to handle situations in which a director or directors have been convicted of a felony in connection to their duties as director. It modifies procedures for providing the consent of shareholders in lieu of actually meeting in-person. It accounts for nonstock corporations in regards to the amendment of a certificate of incorporation after receipt of payment for stock. It modifies the procedures for restated certificates of incorporation. It modifies procedures in which there is a merger or consolidation of domestic corporations. It prohibits any vote of shareholders of a constituent corporation that has a class or series of stock that is listed on a national securities exchange or held of record by more than two thousand holders immediately prior to the execution of the agreement of merger by such constituent corporation shall be necessary to authorize a merger under provided criteria. It modifies procedures in the case of merger or consolidations of domestic and foreign corporations and the service of process upon the surviving or resulting corporation. It establishes procedures of the merger of a parent entity and subsidiary corporation or corporations. It amends processes regarding business combinations with interested shareholders. It modifies provisions related to appraisal rights. It allows a person who is the beneficial owner of shares of such stock held either in a voting trust or by a nominee on behalf of such person, in such person's own name, to file a petition or request from the corporation the statement described in this section. It provides for court proceedings and penalties for those found in violation. It amends the procedures for dissolution before the issuance of shares or beginning of a business. It modifies the process of continuation of a corporation after dissolution for the purposes of suit and winding up affairs. It expands the procedures of a revocation of voluntary dissolution and the restoration of an expired certificate of incorporation. It modifies the procedures for the revival of a certificate of incorporation. It updates the procedures by which to renew, extend and continue a corporation's corporate status. It modifies the definition of a foreign corporation as well as the qualifications for one to conduct business in the state. It modifies the process by which a change of a registered agent upon whom process may be served. It amends the process of withdrawal of a foreign corporation from the state as well as the service process on the Secretary of State. It requires that in the event of service upon the Secretary of State, the Secretary of State must immediately notify the corporation by letter, certified mail or return receipt requested at the address stated in the certificate which was filed by the corporation with the Secretary of State. It provides procedures for said process. It modifies the procedures for a service of process on nonqualifying foreign corporations. It provides definitions to terms used therein. It provides procedures for the filing of articles of organization. It modifies the procedures for the operating agreement of a limited liability company. The bill modifies the voting rights of members. It amends the assignability of membership interest as well as membership interest as personal property. It amends the process by which an assignee of interest may become a member as well as their rights, powers, restrictions and liabilities. It modifies what constitute events causing cessation of membership, withdrawal, death or incapacity. It provides for the distribution of assets upon winding up of a limited liability company. It modifies by what constitutes an agreement of a merger of consolidation. It modifies the conversion process of a limited liability company to an entity and vice versa. It establishes a series of members, managers or membership interests having separate rights and establishes the personal obligation. The bill modifies the annual certification process for domestic limited liability companies and foreign limited liability companies. It provides new procedures by which to reinstate a limited liability company. It requires an annual certificate be sent to the Secretary of State to now include an electronic mail address. The bill passed XXXX.

- **SB0806** , by Sen. John Sparks, D-Norman and Rep. Carol Bush, R-Tulsa, provides nutrition standards for all licensed child care facilities and eliminates screen time for children less than two years of age with the exception of special occasions. The bill passed 29 to 14.

- **SJR0046** , by Sykes and Rep. Scott Biggs, R-Chickasha, proposes a vote of the people on a constitutional amendment that expands the rights of crime victims. It requires crime victims to be informed of their rights. It requires courts to enforce these rights. The resolution passed 43 to 2.

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Also winning the Senate's approval Tuesday afternoon was the FS for **SB0006** , by Sen. Josh Brecheen, R-Coalgate, and Rep. Jeff Coody, R-Grandfield, permits the following officials to carry a firearm anywhere in the State of Oklahoma in the performance of their official duties if the person has successfully completed a handgun qualification course pursuant to the provisions of the Oklahoma Self Defense Act: the Governor; Lieutenant Governor; State Auditor and Inspector; Secretary of State; Attorney General; State Treasurer; Superintendent of Public Instruction; Commissioner of Labor; Corporation Commissioners; and U.S. House and U.S. Senate members from Oklahoma.

The floor substitute adds the requirement that the person be performing their official duties and changes the required course to a general course rather than a special course. The bill passed 39 to 4.

FS for **SB0059**, by Sen. Larry Boggs, R-Wilburton, and Rep. Josh West, R-Grove, permits the Adjutant General, pursuant to authority granted under 42 U.S.C. Section 1856a and applicable Army, Air Force or National Guard regulations, to enter into a reciprocal agreement with any city, county, town or municipal corporation or agency of the State of Oklahoma maintaining fire protection facilities in the vicinity of such property, for mutual aid in furnishing fire protection for such property and for other property for which such entity normally provides fire protection. It provides the fire protection units will continue under the command and control of their regular chain of command, but the organizational unit will come under operational control of the fire protection service authorities of the jurisdiction receiving assistance. It requires each agreement include a waiver by each party of all claims against the other party for compensation for any loss, damage, personal injury or death occurring in consequence of the performance of such agreement. It permits the agreements to provide for the reimbursement of any party for all or any part of the cost incurred in furnishing fire protection for or on behalf of any other party. It requires the Adjutant General to promulgate necessary rules.

The floor substitute expands on the language in the original bill. The bill and its emergency clause passed 45 to 0.

FS for **SB0312**, with title, effective date and emergency clause restored, by Sen. Frank Simpson, R-Ardmore and Rep. Pat Ownbey, R-Ardmore, requires churches which temporarily accommodate overnight visitors have a hard-wired stand-alone fire and smoke alarm or battery operated fire and smoke alarm in the area of overnight accommodations in addition to illuminated interior exits signs, a means of egress from the interior overnight accommodations area to the exterior of the building which is maintained and free from obstructions or impediments for full and instant use in case of fire or emergency, including all exits, exit access and exist discharge from the interior of the building leading to the exterior public way, exit court or yard area. The floor substitute limits the total number of days the facility can be used for temporary housing to 75 days.

The bill passed 37 to 8.

The FS for **SB0322**, with title restored, passed 44 to 0. The bill, by Sen. Lonnie Paxton, R-Tuttle, and Rep. Scott Biggs, R-Chickasha, requires notice of review hearings be sent, via regular first-class mail, to the tribe of the Indian child unless the tribe is present at the time the review hearing is set and consents to the date of the review. It provides a tribe's right to notice is not dependent on intervention into the case and the notice will be evidenced by filing a certificate of mailing prior to the review hearing.

The floor substitute clarified its original language and made no substantive changes.

SB0323, as amended and with title restored, passed 32 to 10. The bill, by Paxton and Rep. Kevin Wallace, R-Wellston, modifies the requirement for a petition supporting a candidate's filing. It requires the petition be signed by not fewer than 2.0 percent of the number of registered voters in the district, county or state, as appropriate for the office sought. It modifies the amount of fees to file as candidate for certain offices. It increases the fee for presidential candidates who submit a petition supporting their filing from \$2,500 to \$5,000.

Paxton said the floor substitute removed language that provided for possible automatic increases of the filing fees.

The FS for **SB0592**, by Sen. Mark Allen, R-Spiro and Rep. Dustin Roberts, R-Durant, stripped the bill of its language related to the International Registration Plan Section and the International Fuel Tax Agreement Section from the Corporation Commission and replaced it with language that moves enforcement of the Household Goods Act of 2009, which regulates intrastate

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transportation by motor carriers of household goods in such manner as to establish standards for public safety, fair competitive practices, adequate and dependable service, and protection of shippers from deceptive or unfair practices, from the Oklahoma Corporation Commission to the Department of Public Safety. It transfers all powers and duties of the commission's Motor Vehicle Enforcement Section to DPS beginning Jan. 1, 2018. It requires certain monies be transferred. It allows the commission to retain any grants funds it has received. It removes outdated language and changes references from the commission to the department.

The bill passed 39 to 4.

The FS for **SB0630**, by Simpson, passed 44 to 0. The bill prohibits a person, state agency or political subdivision from using a robotic vehicle with an imaging device to record an image of privately owned property with the intent to conduct surveillance without consent. It establishes acts constituting trespassing. The bill prohibits an individual from operating a robotic vehicle within an area of a wildland fire and establishes punishments.

The FS for **SB0631**, by Sen. Marty Quinn, R-Claremore, and Echols, passed 41 to 0. The new language establishes a transportation network company that voluntarily elects to require its drivers to display the company's emblem or logo while in operation to identify the TNC vehicle and driver will not in any way alter the contractual relationship between the parties or create an employer/employee relationship where one was not intended to exist by the parties. It also clarifies language related to insurance coverage.

The bill passed 41 to 0.

FS for **SB0635**, by Sen. Josh Brecheen, R-Coalgate and Rep. Charles McCall, R-Atoka, replaced the bill's language with new language that creates a gun hunting license for deer for youth nonresidents 17 years of age or younger that will be valid for hunting one antlerless deer allowed during the current calendar year deer gun season at a cost of \$30; an archery hunting license for deer for youth nonresidents seventeen 17 years of age or younger which shall be valid for hunting one antlerless deer and expire on January 15 of the calendar year after the year purchased or, if purchased during the deer archery season, to expire at the end of that deer archery season at a cost of \$30; and a primitive firearms hunting license for deer for youth nonresidents seventeen 17 years of age or younger which shall be valid for hunting one antlerless deer during the current calendar year deer primitive firearms season at a cost of \$30.

The bill passed 44 to 0.

SB0638, as amended and with title restored, by Sen. Greg Treat, R-Oklahoma City, and Rep. John Montgomery, R-Lawton, passed 42 to 0. The bill creates the State Debt Affordability Study Act which requires the State Bond Advisor and the Office of Management and Enterprise Services to jointly produce an annual written debt affordability study to determine Oklahoma's debt position relative to its benchmark debt ratio of debt service as a percentage of revenue. It establishes guidelines for information to be included in the study and requires a copy to be presented to the Legislature and the Governor before January 15 of each year.

The amendment changed the month in which the report is to be submitted from December to January.

FS for **SB0762**, with title restored, by Sykes and Rep. Mike Ritze, R-Broken Arrow, passed 37 to 6. It requires an action based on tort, contract or otherwise, for damages for injury or death against a health care provider for alleged professional negligence, for the performance of health care services without consent, or for error or omission in the practice of the health care provider's profession be commenced within two years of the act, omission or failure complained of or of the last treatment where there was continuous treatment for the same illness, injury or condition which gave rise to the act, omission or failure. It requires the action, when it is based upon the discovery of a foreign object in the patient's body which is not discovered and could not have reasonably been discovered within such two-year period, be commenced within one year of the date of such discovery or of the date of discovery of facts which would reasonably lead to such discovery, whichever is earlier. It provides the time within which an action must be commenced cannot be extended by any of the provisions of the bill, including those relating to the discovery of foreign objects, beyond four years after the date of the act, omission or failure giving rise to such action. The bill provide it applies to all persons regardless of minority or other legal disability, except that a minor, who was less than eight years old at the time of the act, omission, or failure, shall commence such action within two years of the date on which the minor becomes 10 years old

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and for a minor who was less than eight years old at the time of the act, omission, or failure, the time within which such action must be commenced cannot be extended by any provision of this section beyond four years after the date on which the minor becomes 10 years old. The bill defines applicable terms. The bill repeals existing language on limitations on actions.

FS for [SJ0034](#), by Sen. Anthony Sykes, R-Moore, passed 39 to 4. The resolution proposes a vote of the people on a constitutional amendment would enact a new Section 8 in Article 1 of the Oklahoma Constitution which would require each person appearing to vote to provide proof of identity. It would require elections officials to verify the person's eligibility to vote. It also would permit the Legislature to enact laws to implement the provisions of the new section. It proposes the vote of the people occur on the date of the next statewide primary election or special election, whichever occurs first.

Because the resolution requires a special election be held, a second vote requiring a two-thirds approval of the Senate was needed. The motion calling for the special election passed 39 to 5.

The FS for [SJ0040](#), by Sen. Greg Treat, R-Oklahoma City and Rep. Jon Echols, R-Oklahoma City, passed 38 to 5. The resolution proposes a vote of the people on a constitutional amendment that would amend the single-subject rule by making it a comprehensive-subject rule and permitting the Legislature to define what constitutes a comprehensive subject.

[SB0544](#) failed 23 to 20 when it was first put to a vote Tuesday afternoon. The bill, by Sen. Frank Simpson, R-Ardmore, authorizes and directs ODVA to relocate the Oklahoma Veterans Center at Talihina to a new location eligible for approval or recognition by the United States Department of Veterans Affairs as a State Veterans' Home. It states legislative intent, ensuring the new location be constructed within 40 miles of the current location and within the city limits of a municipality. It authorizes and directs the Oklahoma Department of Veterans Affairs to proceed with the development of a new facility to assume the operations of the Oklahoma Veterans Center presently located in Talihina subject only to such geographical constraints as may be imposed by the United States Department of Veterans Affairs.

Simpson served notice to possibly reconsider the vote. Under action taken Monday, motions to reconsider must be acted on the same day they are served as the Senate moves toward its Thursday deadline to hear bills in their chamber of origin.

Before the end of the floor session, Simpson exercised that notice. The motion to reconsider passed 35 to 7. The bill was returned to general order and Simpson asked that its title be stricken. The bill then passed 34 to 7.

It now goes to the House.

The Senate will reconvene Wednesday at 9 a.m.

[LESS]

Pro-life Prenatal Nondiscrimination Act passes House

(eCap) A bill prohibiting abortions on the basis of Down syndrome or genetic abnormality met with lengthy debate Tuesday morning on the House floor before passing.

[HB1549](#), by Rep. George Faught, R-Muskogee and Sen. Nathan Dahm, R-Broken Arrow, creates the Prenatal Nondiscrimination Act of 2017. The bill defines terms. It prohibits any person from intentionally performing an abortion with knowledge that the pregnant woman is seeking the abortion solely because the unborn child has been diagnosed with Down syndrome, a genetic abnormality or the potential for either. It prescribes a violation and accompanying fees or punishments for physicians or other persons found in violation of the provisions therein. It allows minors to commence civil action for any knowing or reckless violation of said provisions. It provides for damages in such cases. It requires that the anonymity of any female upon an abortion is performed or attempted be preserved until consent is provided. It exempts any woman upon whom an abortion in violation is performed or attempted. It affords such women all rights, protections and notifications afforded to crime victims under the Oklahoma Victim's Rights Act. It provides for construction and severability. The bill passed on a vote of 67 to 16.

Faught took a series of questions, many of which stemmed from members of the minority party before the floor opened for debate.

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He answered several questions regarding court costs from constitutional challenges, answering the Attorney General's Office would cover any costs from any such cases.

In his debate against the bill, Rep. Cory Williams, D-Stillwater, encouraged members to be more pro-life and that the bill was not an act of mercy but an act of hate. He argued that the Legislature too often votes for measures that are pro-birth, not pro-life.

"We consistently fail to put our money where our emotions are," Williams said. "Let's not force someone to have a child that absolutely has no viability because you can clearly see in a 3-D sonogram that it absolutely has no brain and without a brain you can't function. We know that because science is actually real."

He said the body "pretty much abandons ship" after the birth of child, leaving no adequate support or resources for said child to be raised in.

"If you don't believe me, come with me to the (Developmental Disabilities Services Department) meetings," Williams said.

Williams questioned whether any other similar bills passed out the body had accomplished much or saved any lives. He instead encouraged members to vote with rationality rather than emotion.

"Our job is not to function on emotion. We're not apes. God gave us brains. God gave us the ability to reason," he said. "History says do something different to be pro-life here. Support education, support programs in poverty, support the disabled among us."

He argued that if members did not start voting differently in manners that support life, they were not in fact pro-life.

"I hope you vote green for this and you feel terrible for it," Williams said.

Rep. Emily Virgin, D-Norman, took issue with the legislation also prohibiting abortions in the case of genetic abnormality such as anencephaly which is the absence of a major portion of the brain, skull and scalp that occurs during embryonic development.

She posited that proponents of the bill focused on individuals with Down syndrome as most know an individual with it, but no one knows an individual with anencephaly given its high mortality rate. She said the bill would only take away a critical choice from women, opening the door to endless mental anguish by forcing them to carry such a fetus to term.

"It would take away the ability for women and their families to do what is best for them," Virgin said. She reminded members that stories in which families were informed by doctors their babies were not likely to survive but did have that choice.

"They had a choice they were able to arrive at by consulting with their doctor, with their faith leader, with their family, with their children that they already have," Virgin said. "They had the choice and that is the key."

Rep. Forrest Bennett, D-Oklahoma City, questioned the lack of exemption for cases of rape or incest. Faught responded that the he stood for all life, regardless of the instances in which it was created.

"God can bring beauty out of ashes," Faught said in his debate for the bill.

In his debate against the measure, Forrest Bennett reiterated his belief the too much time had been dedicated to the bill when there were much more pressing matters at-hand for the Legislature to tackle. He was highly critical of the body's failure to hear measures that would actually protect life.

Rep. Jason Dunnington, D-Oklahoma City, argued that if the body were to get serious about lowering unwanted pregnancies and abortions, why not push for science-based and evidence-based practices such as improved sex education and access to contraception.

He added that legislation that would require such education have been tabled.

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"This body doesn't want to talk about young people having sex. This body doesn't want to talk about young people having access to contraception. This body doesn't want to talk about anyone having sex or having access to contraception," Dunnington said. "This body only wants to talk about unborn children."

Dunnington urged members to stop the charade and no longer vote in favor of measures that will not protect life or lower abortion rates and only serve to accrue more unnecessary costs to the state by way of constitutional challenges.

"There will be a press release about 10 minutes after this debate and the vote goes down about how the Oklahoma House is protecting life," he said. "What you won't see is a press release a year from that talks about how many lives we protected because we won't have lowered the rate of abortion at all."

Dunnington's prediction proved true as Faught released a press release after the bill's passage with the title, "Oklahoma House Votes for Life."

Speaking in favor of the legislation, Rep. Mark Lawson, R-Sapulpa, cited his work with Faught on ensuring the bill reflected current law which does not discriminate based on gender. He argued it was important to remember the goal of the bill from a health care perspective.

"It's protecting life," Lawson said. "It's saying we're not going to have abortions in this state based solely on a diagnosis of Down syndrome or fetal abnormality."

He added it does nothing to affect the rape or incest statute currently in place.

Rep. John Bennett, R-Sallisaw, asked members if they valued money over life, positing that millions were being murdered year after year.

"Abortion offends God," he said, adding the issue had always been a "religious battle."

"It's amazing to me that the only people fighting to continue abortion and murder these unborns have already been born themselves," he said, adding that those pro-abortion were "playing God."

Taking a secular view, John Bennett said the "scar of abortion" left its mark on the nation. He argued that if one were truly for the sanctity of life they should not hide behind whether something is constitutional or not.

"That's a horrible excuse," he said. "Own it."


Closing debate, Faught emotionally reiterated his beliefs on God and life.

"This issue is big. It's bigger than life," Faught said.

After its passage on a vote of 67 to 16, Faught thanked his fellow members for supporting the measure in the press release.

"Life is a gift from God," the release read. "Today, I am thankful that the members of the House of Representatives chose to protect that gift."

Other bills passed off the House floor Tuesday morning included:

· **HB1574** , by Rep. Tim Downing, R-Purcell, and Sen. Nathan Dahm, R-Broken Arrow, with title stricken, requires the list of attorneys desiring to furnish legal services for state agencies and officials of the executive branch and the schedule of fees for each attorney be maintained and available to the public. It prohibits any agency or executive branch official from entering into a contingency-fee contract with a private attorney unless and until the Attorney General approves the contract, and in so doing

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makes a determination that contingency-fee representation is both cost-effective and in the public interest. It establishes factors to be considered in making the determination. It requires the Attorney General, if the contract is approved, to make a written statement, excluding any information that is privileged or part of the deliberative process, stating that contingency fee representation is both cost effective and in the public interest and include a brief description of the contract and the circumstances necessitating the contract. It establishes record keeping requirements. It creates requirements to meet for contingency fee attorney services. It establishes a contingency fee schedule. It makes records regarding contingency fee contracts subject to the Open Records Act. The bill passed on a vote of 94 to 0.

- **HB1690**, by Rep. Casey Murdock, R-Felt, and Sen. James Leewright, R-Bristow, with title stricken, requires the 20 top appropriated agencies to be audited in an independent comprehensive performance audit invested in by the Legislative Service Bureau. It requires the audit to fulfill certain mandates. It allows the Bureau to contract with an outside firm or the State Auditor and Inspector's Office. It requires the audit to be conducted when the agency head leaves the agency and requires the report to be given to certain members of the Legislature. The bill passed on a vote of 70 to 25.

- **HB1987**, by Rep. John Jordan, R-Yukon, allows a defendant to file an application for an evidentiary hearing if he or she intends to raise the question of involuntary intoxication at the time of the offense of driving under the influence of alcohol or a controlled dangerous substance. It requires the application to be filed no later than 30 days after the formal arraignment. The bill passed on a vote of 89 to 2. The bill's emergency passed on a vote of 79 to 3.

- **HB2131**, by Rep. Jon Echols, R-Oklahoma City, creates the Oklahoma Tourism Development Act. The bill requires the Executive Director of the Oklahoma Tourism and Recreation Department to establish standards for making of applications and inducements to eligible companies and their tourism attraction projects by the promulgation of rules in accordance with the Administrative Procedures Act. It requires the Director to make inquiries and request material of the applicant that include provided data. It requires the Director to engage the services of a competent consulting firm which will submit to the Director for a tourism attraction project a report analyzing the provided data to determine certain information. It requires the eligible company cover costs for the report and cooperate with the consultant. It requires the Director establish standards for preliminary approval and final approval of eligible companies and their projects. It allows the Director to give preliminary approval to such a company. It requires the Director to review the report of the consultant and other information made available to the Director as to assist the Director to determine whether said attraction will further the provisions therein. It allows the Director to enter into an agreement with an approved company for such a project upon the granting of final approval. It provides for the terms and provisions of such an agreement. It prohibits such an agreement from being transferable or assignable by the approved company without the written consent of the Director. It requires that if the approved company utilizes inducements which are subsequently disallowed then the approved company will be liable for the payment to the Tax Commission of all taxes resulting from the disallowance of the inducements plus applicable penalties and interest. It requires the Director to provide a copy of each agreement entered into with an approved company to the Tax Commission. It requires the Tax Commission provide the company with forms and instructions as necessary to claim those inducements. It requires a company with an agreement that provides it expend approved costs of more than \$500,000 for a tourism attraction project but less than \$1,000,000 be entitled to a sales tax credit if said company certifies to the Tax Commission that it has expended at least the minimum amount in approved costs. It provides procedures for the issuance of a tax credit memorandum by the Tax Commission. It sets criteria for said sales tax credit. It offers the same provisions regarding a tax credit for such a company to expend approved costs in excess of \$1,000,000. It requires the Tax Commission require proof of expenditures prior to the issuance of a tax credit memorandum to such an approved company. It sets limits to such a tax credit memorandum. It requires the approved company have no obligation to refund or otherwise return any amount of this credit to the person from whom the sales tax was collected. It requires the Tax Commission to promulgate rules for the proper administration of the Act. It allows the Commission to develop forms and instructions as necessary for the claiming the sales tax credit provided therein. It authorizes the Tax Commission to obtain any information necessary from the approved company and Director to verify that approved companies have received the proper amounts of tax credits as authorized therein. It prohibits any sales tax credit authorized therein be granted on or after January 1, 2021, unless provided otherwise. The bill passed on a vote of 84 to 5.

- **HB2216**, by Rep. Sean Roberts, R-Hominy, as amended, requires a noncontracted provider to provide specific services to any enrollee that is covered under a health benefit plan not under contract with said provider. It requires a noncontracted provider to provide required information within 14 days for nonemergency services to the enrollee prior to rendering services. It requires the information be given to the enrollee as soon as practical in the case of emergency services. It defines terms. The bill, as

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amended, passed on a vote of 93 to 0.

[LESS]

House budget subcommittees to get updates Thursday

(eCap) House Budget and Appropriations subcommittees will meet Thursday to get an update on budget discussions.

Agendas for each of the subcommittees' meetings were released Tuesday. The meetings are scheduled for after adjournment Thursday. House officials hope to complete their bill work Wednesday before Thursday's deadline for bills and joint resolutions to be heard in their chamber of origin.

Each subcommittee is scheduled to get updated on current budget discussions and to begin discussing agency appropriations needs.


"House leadership wanted more member involvement in the budget process. Even though there are no bills to hear on Thursday, we wanted to provide the time and venue for members to meet with their subcommittees and review the budgets of each agency under their purview," House Appropriations and Budget Chair Leslie Osborn, R-Mustang, said. "These will be informational meetings on the budget process to help members understand where we are in the process while also giving our members more specifics about agency budgets."


[LESS]


House Rules recommends titles be stricken on measures

(eCap) The House Rules Committee met briefly during recess Tuesday to recommend titles be stricken from seven bills.

Those bills include:

- **HB1270** , by Hall, R-Oklahoma City, creates the Act to Restore Hope, Opportunity and Prosperity for Everyone. It requires the Oklahoma Health Care Authority and the Department of Human Services to verify eligibility information prior to awarding assistance under Medicaid or the Supplemental Nutrition Assistance Program (SNAP). It allows the information to include, but not limited to, earned and unearned income, employment status and changes in employment, immigration status, residency status, enrollment in other assistance programs, financial resources, incarceration status, death records and information relating to identity fraud and theft. It allows the Authority or Department to contract with independent vendors to provide information. It requires the entities to sign a memorandum of understanding. It states that nothing shall preclude the entities from receiving or reviewing additional information related to eligibility. It establishes procedures for receiving information about an individual. It allows the entities to take appropriate action if discrepancies are found. The bill requires applicants to complete an identity authentication process to confirm the applicant owns the identity presented in the application. The bill allows certain information to be shared with the Medicaid fraud control unit of the Office of the Attorney General for suspected fraud.

- **HB1302** , by Rep. Casey Murdock, R-Felt, and Sen. Stephanie Bice, R-Oklahoma City, ensures no special event license or charitable alcoholic beverage event license for alcoholic beverages be required for an organization, association or nonprofit corporation whose purpose is to promote the common interest of economic development and business growth within a community, provided said event is not conducted primarily for fundraising purposes and services of a licensed caterer are used to provide and distribute said beverages at the event in question.

- **HB1390** , by Rep. John Pfeiffer, R-Mulhall, and Sen. A J Griffin, R-Guthrie, requires no more than \$1 million from the Oklahoma Universal Service Fund be made available to the 211 Call Centers. It requires such funds be distributed equally between Heartline and Community Service Council of Great Tulsa. It requires the Oklahoma Department of Mental Health and Substance Abuse Service be eligible to receive a share of the funding if either entity terminates or does not enter into a contract with the Fund.

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· **HB1401**, by Rep. John Montgomery, R-Lawton, and Sen. David Holt, R-Oklahoma City, creates the Oklahoma Legacy Act and creates the Oklahoma Legacy Fund. It provides for collection, apportionment and deposit of monies into the fund and provides for investment and reinvestment of funds. The bill creates the Common Schools Legacy Fund. It provides for collection, apportionment and deposit of monies into the fund. It provides for investment and reinvestment of funds. The bill creates a subfund of the Oklahoma Legacy Fund designated as the Higher Education Legacy Fund. It requires the State Auditor and Inspector to conduct an audit of each fund every two years. It requires the gross production tax revenues provided therein be levied and be collected and apportioned for specific purposes. It provides the provisions therein not take effect until the first July 1 date immediately following an annual determination, to be made by the Office of Management and Enterprise Services and reported to the Governor, the Speaker of the Oklahoma House of Representatives and the President Pro Tempore of the Oklahoma State Senate, not later than April 15 or the first business day following such date, that the total collections for the General Revenue Fund of the state for the fiscal year ending on the June 30 date immediately preceding the April 15 date upon which the determination has been reported, were equal to or in excess of the total collections to the General Revenue Fund for the fiscal year ending June 30, 2014, as certified by the State Board of Equalization at its December 2014 meeting. It requires the provisions therein be operative for any fiscal year beginning July 1 if the revenue conditions are fulfilled as reported by the Office of Management and Enterprise Services. It requires that the provisions of this act not be operative as law for any fiscal year beginning July 1 if the revenue conditions described by subsection A of this section are not fulfilled as reported by the Office of Management and Enterprise Services.

· **HB1691**, by Rep. Kevin Calvey, R-Oklahoma City, and Sen. Nathan Dahm, R-Broken Arrow, creates the No Jail for Pain Act. It prohibits a municipality from adopting any ordinance which could result in a criminal penalty for failure of a property owner to maintain or clean the structure or exterior property. It prohibits further abatement procedures if photographic or video evidence is presented.

· **HB1720**, by Rep. Lewis Moore, R-Arcadia, and Rep. Mark McBride, R-Moore, requires insurance companies to provide a premium discount or insurance rate reduction in an amount and manner as established therein commencing on January 1, 2018. It allows insurance companies to offer additional adjustments in deductible, other credit rate differentials or a combination thereof. The bill requires said adjustments be available under terms specified therein to any owner who builds or locates a new insurable property in Oklahoma to resist loss due to tornado or other catastrophic windstorm events. It provides procedures by which to obtain said adjustments. It provides requirements for the owner of insurable property claiming such an adjustment. It provides for the submission of rates and rating plans by insurers. It defines terms used therein. It requires said provisions only apply to new insurance policies written, or existing policies renewed, on or after January 1, 2018. It requires the Insurance Commissioner to promulgate rules.

· **HB1803**, by Rep. Sean Roberts, R-Hominy, and Sen. Josh Brecheen, R-Coalgate, prohibits the expenditure of public monies for purposes opposing the Second Amendment. It provides a penalty for those found in violation

[LESS]

Attorney: Shortey to resign by end of Wednesday

(eCap) Sen. Ralph Shortey will resign his seat in the Legislature, eCapitol confirmed Tuesday.

"He will resign tomorrow by the end of the day," said Oklahoma City attorney Ed Blau, who is representing Shortey, R-Oklahoma City.

Shortey was charged Thursday in Cleveland County District Court with three felonies as a result of a March 9 incident where he was discovered in a hotel room with a 17-year old boy: Engaging in child prostitution; engaging in prostitution within 1,000 feet of a church; and transporting a minor for prostitution/lewdness. He surrendered to law enforcement Thursday afternoon and was released on \$100,000 bond.

The Senate voted 43 to 0 Wednesday to suspend Shortey's privileges as a legislator. He can only vote on the floor and receive his salary. Shortey has not been on the Senate floor since March 14.

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Senate President Pro Tempore Mike Schulz, R-Altus, said Monday, "The Oklahoma Senate is fully cooperating with all authorities looking into this matter. Because of the pending investigation, it would be inappropriate to comment any further."

Schulz and his spokesman have refused to say whether Shortey's office was searched by any law enforcement agency or whether his Senate-issued computer was seized as part of the investigations, which also includes the Federal Bureau of Investigation.

The Senate could vote to expel Shortey. No member has ever been expelled from either chamber by their fellow lawmakers.

Shortey will be eligible for state retirement. According to state statute, a lawmaker or state employee must be convicted of bribery, corruption, forgery, perjury or another crime related to the duties of their office to lose their retirement benefits.

Shortey does not have to wait until retirement, however, to receive the contributions he paid into the Oklahoma Public Employees Retirement System (OPERS).

"Any member, once they leave active (state) employment, can take their contributions with them," OPERS Executive Director Joe Fox told eCapitol.

Fox stressed Shortey would not be able to withdraw the portion contributed by the state on his behalf, only his own contributions.

"Then, they would not be eligible for retirement benefits unless they returned to state service and repaid those contributions," said Fox.

Those types of withdrawals are not taxable under Internal Revenue Service Rules if the money is deposited in a qualified retirement account. If the money is not deposited in a qualified retirement account, the withdrawal is subject to taxation in most cases.

Shortey has contributed \$24,000 to the system through February, Fox said.

Once Shortey resigns, it will be up to Gov. Mary Fallin to call a special election to fill the vacancy. Because of state and federal timelines on when elections can be held, the seat will remain vacant through the remainder of the current legislative session.

[\[LESS\]](#)

Senate approves criminal justice reform measure, other bills in morning session

(eCap) The Senate began its Tuesday morning session by passing a series of bills based on recommendations from Gov. Mary Fallin's Criminal Justice Reform Task Force.

Senate Majority Floor Leader Greg Treat, R-Oklahoma City, presented the bulk of the bills on the floor Tuesday morning. He was the Senate's representative on the task force. Rep. Terry O'Donnell, R-Catoosa, represented the House and co-authored the measures.

There were few questions concerning the proposals and no debate for or against them.

The bills passed included:

- The floor substitute (FS) for [SB0603](#), by Sen. Greg Treat, R-Oklahoma City and Rep. Terry O'Donnell, R-Catoosa, modifies language related to the requirement that the Department of Corrections administer a needs and risk assessment for offenders. It requires the assessment include mental health and substance abuse screens. It exempts for any inmate who had a risk and needs assessment administered by personnel certified by the Department of Mental Health and Substance Abuse Services within six months of being sentenced to the custody of the Department of Corrections. It requires the department to develop an individualized case plan based on the results of the assessment to guide an inmate's rehabilitation while in the Department's custody in order to reduce the likelihood of recidivism. It establishes requirements for the case plan. The bill passed 42 to 0.

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- **SB0604**, by Treat and O'Donnell, expands provisions of CLEET courses relating to domestic violence and stalking to include information on personal safety planning necessary at the pretrial stages of a potential criminal case. The bill passed 43 to 0
- FS for **SB0609**, by Treat and O'Donnell, requires the Attorney General to adopt and promulgate rules to create a voluntary certification program for victim assistance professionals based on guidelines from the National Advocate Credentialing Program Consortium. It permits the certification guidelines to include annual attendance by victim assistance professionals at victim-centered and trauma-informed training based on guidance from national, state and Tribal victim assistance organizations. The bill passed 43 to 0.
- FS for **SB0649**, by Treat and O'Donnell, prohibits a previous conviction for possession of a controlled dangerous substance or the equivalent law for possession of a controlled dangerous substance from any other jurisdiction may not be used to enhance certain punishments. It also establishes certain sentencing requirements. The bill modifies certain references. The bill passed 44 to 0.
- **SB0650**, with title stricken, by Sen. Wayne Shaw, R-Grove, and Rep. Ben Loring, D-Miami, modifies availability for persons authorized to file a motion for expungement by minimizing time limits for those convicted of a nonviolent felony offense from in the last 15 years to seven. It allows the petition to be made five years after the felony conviction has passed. It modifies the time period for those convicted of violent crimes from 20 years to 10 years after the conviction has passed. The bill passed 45 to 0.
- FS for **SB0689**, by Treat and O'Donnell, makes an offender sentenced to life without parole for an offense other than a violent crime who has served at least 10 years of the sentence in the custody of the Department of Corrections eligible for a modification of the sentence by the judge who originally imposed the sentence or revocation of probation or, if the sentencing judge is unavailable, another judge in the judicial district in which the sentence was rendered. It permits the court to modify the sentence upon a finding that the best interests of the public will not be jeopardized. It moves the requirement for the implementation of procedures and rules for methods of establishing payment plans of fines, costs, fees, and assessments by indigents from the Court of Criminal Appeals to the Supreme Court. It requires they be based on income. It requires court to waive outstanding fines, court costs and fees if the offender has secured admission to and is enrolled in a state higher education institution, a technology center school or a workforce training program intended to expand further employment opportunities based on the equivalent value of the potential gross income of the offender as established by the minimum wage rate of the state upon the offender's completion of each 40- hour work week. It requires the Supreme Court to establish a pilot financial obligation payment program, to last for a minimum of three years, with programs in at least one rural district and one urban district to determine whether offenders can make consistent payments of their court-ordered financial obligations for two years in exchange for a waiver of the remaining fines, fees and court costs. It establishes requirements for the program. It modifies certain definition. The bill adds specialized caseloads for repeat offenders, offenders with convictions for sex crimes, offenders with conviction for domestic violence offenses and offenders with diagnosed mental health needs to the types of varying levels of supervision by the Department of Corrections probation officers or another qualified supervision source and cognitive behavioral treatment and any other programming or treatment needs as identified based on the results of the risk and needs assessment in community sentencing programs. The bill limits the use of the LSI or other assessment to determine the appropriate sentence to be imposed that does not include incarceration and it prohibits use of the LSI or another assessment to impose a period of incarceration. It establishes requirements for community sentencing system administrators. It requires certain assessment for batterers. It requires the court to ensure that all supervision providers that supervise persons use the sanctions and incentives process established by statute in order to respond to probationer behavior. It requires every person on probation supervision, except a person convicted of certain violent offenses, be eligible to earn discharge credits that reduce the period of supervision and the term of sentence of the person for compliance with the terms and conditions of supervision. It permits any person who has been ordered by the court to pay a fine, court cost, fee or assessment or any combination to request a hearing to establish a payment plan to be determined by assessing the discretionary income of the person. It establishes criteria for making the determination. It reduces from 20 days to 10 days after the entry of the plea of not guilty to the petition, unless waived by both the state and the defendant for a hearing on a petition setting forth the grounds for such revocation is filed by the district attorney with the clerk of the sentencing court and competent evidence justifying the revocation of the suspended sentence. It grants a district attorney 60 days from the date of the application for revocation to file a petition if the alleged violation is for technical violation of the terms and conditions of probation. It permits a probation officer to recommend revocation of an offender's probation to a hearing officer of the Department of Corrections or an appropriate supervising authority if the severity of the violation warrants or the graduated use of sanctions has been exhausted

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and the noncompliant behavior has continued. It establishes the failure of an offender to pay fines and costs, excluding restitution, may not serve as a basis for revocation, absent a finding by the probation officer of willful nonpayment by the offender. It clarifies various language. The bill passed 42 to 3.

- **SB0786**, by Treat, Rep. Ben Loring, D-Miami, and O'Donnell, provides that every person who breaks and enters on any commercial or residential property or any room, booth, tent, railroad car, automobile, truck, trailer or vessel of another, in which any property is kept, with intent to steal any property therein or to commit any felony, is guilty of burglary in the third degree. The bill establishes a penalty for burglary in the third degree. The bill passed 26 to 19.

- **SB0793**, with title stricken, by Treat, creates the Corrections and Criminal Justice Oversight Task Force and provides for membership. The bill tasks the committee with tracking implementation and assessing outcomes from the Oklahoma Justice Reform Task Force report of January 2017. It directs the task force to prepare and submit an annual report no later than the first day of the second full week of each regular session of the Legislature on outcomes and performance measures to the Legislature, Governor and Presiding Judge of the Court of Criminal Appeals. It specifies the contents of the report. It requires the Oversight Task Force to use clerical and professional employees of the Department of Corrections. The bill encourages the task force to apply for and may expend grants, gifts or federal funds it receives from other sources to carry out its duties and responsibilities. The bill also directs DOC to collect specified information on certain crimes. The bill passed 45 to 0.

Gov. Mary Fallin praised the Senate's passage of the measures.

"These historic votes will improve public safety in Oklahoma, and save our state \$1.9 billion," Fallin said in a press release.

"Making smart, data-driven decisions on how to increase safety while decreasing our overcapacity prisons is key to pursuing smaller, more efficient, and more moral government. My thanks to Majority Floor Leader Greg Treat and Senator Wayne Shaw for sponsoring this landmark legislation, and for taking a huge step towards a better criminal justice system and a safer Oklahoma."

The Senate also approved the following bills Tuesday morning:

- **SB0038**, with title restored, by Sen. Roger Thompson, R-Okemah, and Rep. Kevin Wallace, R-Wellston, increases the Forensic Science Improvement Assessment to \$10 from \$5. The bill passed 26 to 19.

- **SB0303**, by Sen. Jason Smalley, R-Stroud, and Rep. Scott Biggs, R-Chickasha, authorizes the Oklahoma State Bureau of Investigation to submit fingerprints to the FBI Rap Back System to be retained in the FBI Rap Back System for the purpose of being searched by future submissions to the FBI Rap Back System, including latent fingerprint searches. The bill passed 32 to 13.

- **SB0377**, by Sen. Josh Brecheen, R-Coalgate, permits the court, when an offender convicted of a nonviolent offense is sentenced to the Department of Corrections and the offender is detained in a county jail as a result of the reception-scheduling procedure of the Department of Corrections and upon application of the offender and upon consent of the district attorney and sheriff, to order the offender to be confined in their home or other suitable location and be supervised by electronic monitoring administered by the county sheriff in which the conviction occurred, provided, the sheriff has the capacity to electronically monitor the offender 24 hours per day, seven days per week with real time monitoring that immediately notifies the sheriff or their designee of a violation of the confinement order. It permits the sheriff to contract for electronic monitoring with a private vendor. It requires the court to designate the specific locations and rules of confinement. It permits the court to revoke the monitoring for violations of the order or if the court determines the offender is or has become a safety or escape risk. It establishes responsibilities of the offender during electronic monitoring. It exempts certain offenders from eligibility for electronic monitoring. It requires the Department of Corrections to reimburse the county \$20 per day for each offender on electronic monitoring in lieu of other payments. It requires the proceeds be used to defray expenses of equipping and maintaining the jail, payment of personnel, and expenses relating to monitoring inmates who are on electronic monitoring while awaiting transfer to DOC. The bill passed 42 to 2.

- **SB0579**, by Sen. Anthony Sykes, R-Moore, and Rep. Jason Murphey, R-Guthrie, requires any person or other entity who makes independent expenditures or electioneering communications or who makes expenditures for the purpose of advocating the approval or defeat of a state question in excess of \$5,000 to file a Report of Contributions and Expenditures as required by law for any quarter for which such expenditures are made. The bill passed 33 to 12.

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· **SB0701**, by Sykes and Rep. Jon Echols, R-Oklahoma City, provides a health care provider's failure to comply with or breach of any federal statute, regulation, program, guideline or other provision established by such, will not be admissible, used to determine the standard of care or the legal basis for a presumption of negligence in any medical liability action in this state. The bill passed 36 to 7.

The FS for **SB0247**, by Sen. Kevin Matthews, D-Tulsa, Sen. Roger Thompson, R-Okemah, and Rep. Monroe Nichols IV, D-Tulsa, passed 45 to 0. It grants the Oklahoma State Bureau of Investigations the power to investigate all law enforcement- or peace officer-involved shootings and in-custody deaths, not including those that occur in jails or prisons, for all jurisdictions within the state with a population of less than 150,000. It requires all law enforcement- or peace officer-involved shootings and in-custody deaths, not involving jails or prisons that occur within jurisdictions in the state with a population of more than 150,000 be subject to review by the Oklahoma State Bureau of Investigation at the discretion of the Oklahoma State Bureau of Investigation. The bill exempts law enforcement- or peace officer-involved shootings and in-custody deaths that involve the Oklahoma Highway Patrol. It establishes certain reporting requirements.

Sykes said the new language in the FS for **SB0647** prohibits political subdivisions from subletting or otherwise allowing the occupancy of public property for use as office space for day-to-day business operations to organizations that engage in collective bargaining. The new language, he said, does not prohibit the organizations from using the facilities for meetings.

The bill, which is co-authored by Rep. George Faught, passed 37 to 8 with its title restored.

The FS for **SB0657**, by Sen. Josh Brecheen, R-Coalgate, and Rep. Mike Ritze, R-Broken Arrow, passed 44 to 0. The bill creates the Protection Against Sexual Exploitation By a Mental Health Services Provider Act. It defines applicable terms. It establishes the following criminal sanctions for a licensed mental health services provider who engages in sexual exploitation or therapeutic deception of a patient or former patient shall be subject to any applicable criminal sanctions as follows: a single act of sexual exploitation or therapeutic deception by a mental health services provider with one current or former patient shall be a felony; multiple acts of sexual conduct, sexual exploitation or therapeutic deception by a mental health services provider with one current or former patient shall be a felony; and multiple acts of sexual conduct, sexual exploitation or therapeutic deception by a mental health services provider with two or more current or former patients shall be a felony punishable by a fine not exceeding \$20,000.

The floor substitute's language made the acts felonies instead of misdemeanors, Brecheen said.

[LESS]

Panel discusses 'bridging the gap' for special education in Oklahoma

(PRESS)State Rep. Bobby Cleveland and state Sen. Rob Standridge hosted a panel discussion Monday on the state of Oklahoma's special education system.

"Our special education teachers go above and beyond to provide the best for the more than 100,000 Oklahoma students with an Individual Education Program," said Cleveland, R-Slaughterville. "Yesterday's panel was an opportunity to identify weaknesses in our special education system and to brainstorm solutions. I'm thankful so many great educators stepped forward to help with this endeavor."

The National Center for Education Statistics shows 13 percent of enrolled public school students were served under the Individuals with Disabilities Education Act. In Oklahoma, that number is higher. The Oklahoma State Department of Education reports more than 15 percent of enrolled students are on an Individual Education Program.

Speakers at Monday's panel said a lack of access to continuing education for teachers, exhaustion and an increased workload were common problems in the special education field.

"We need to bridge the gap between general education and special education," said Nancy Marchand-Martella, chair of

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educational psychology and professor of special education at the University of Oklahoma. "Special education is not a place, it's a service. Response to Intervention, Multi-tiered System of Support, Positive Behavior Intervention and Support are accepted ways of bridging this gap. However, there appears to be a lack of pre-service training for general education professionals in these best practice models."

Marchand-Martella recommended a minimum of two courses beyond an introduction to special education course for pre-service general education teachers to ensure their knowledge of and expertise in the use of these practices.

The University of Oklahoma's Jim Martin also warned many individuals become special education teachers without knowing critical assessment and intervention skills.

He said offering incentives could help retain teachers in the state.

"More needs to be done, such as vouchers to special education pre-service university students, to cover costs of tuition, fees, texts, and certification tests," Martin said. "Those who receive financial support will pay back their support by working as special education teachers in Oklahoma for 'x' number of years for each year they received support."

Martin also said enhanced transition education practices need to be in place to prepare students with life after school. He hopes to see departments begin creating college experience programs for transition-aged students with intellectual disabilities who otherwise would not be matriculated into a college program of study.

[\[LESS\]](#)

Fallin Names Special Adviser for Innovation, Entrepreneurship and Entertainment

(PRESS) Governor Mary Fallin announced Tuesday the appointment of Patrick Fitzgerald as her special adviser for innovation, entrepreneurship and entertainment.

Fitzgerald, of Norman, has more than 30 years of experience in various industries with an exceptional track record for innovation, leadership and mastery of various disciplines, such as Apple iTunes, Walt Disney Studios, Citibank (Caribbean and Latin America) and Campbell Soup Co. He had global responsibilities at Apple and at Walt Disney Studios.

As the governor's special adviser for innovation, entrepreneurship and entertainment, Fitzgerald will attend Cabinet meetings and help set policy in attracting entrepreneurs and in developing training for high-tech jobs.

"Fostering creativity and innovation and technology skills in our people is one of the most important keys to growing our economy and improving our quality of life," said Fallin. "Patrick has the knowledge and experience to help our state develop in these areas. He'll also encourage and cultivate our young people to pursue training in coding and 'digital manufacturing' so that they will be a relevant, skilled workforce attractive to companies seeking to fill job openings."

Fitzgerald operates and runs a consulting practice working with investment companies and industry leaders to install best practices and drive results. He was born and raised in Oklahoma, and recently returned to the state after working 30 years in various technology and entertainment industries.

He served as vice president and general manager of iTunes where he led global video product development, deals, marketing and merchandising for various products, while also leading operations for all of iTunes products. Prior to that, he worked at Disney as acting chief operating officer for the home entertainment division of the studio where he led and executed the first digital strategy deals in the industry for movies and led the first global retail marketing and branding campaign for the division, something that is still in place today.

"I'm happy to return to my home state and I help the state evolve as it relates to technology and entertainment and be a catalyst for continued growth in Oklahoma," Fitzgerald said. "I want to help develop a trained workforce and look for funding opportunities for companies interested either in locating in Oklahoma or in hiring part of their workforce from here. Many high-tech jobs today like coding can be performed anywhere and people in those jobs can live and work from anywhere. With the drive and work ethic the people of Oklahoma possess, they can and will thrive in this new global world we live in, but just need more opportunities."

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While at Citibank, Fitzgerald led the sales and distribution strategies for Latin America across all business lines. In addition, he led in the design and installation of "micro" branches to better serve targeted consumers while substantially decreasing costs.

At Campbell, he held various sales and trade marketing positions.

He earned a bachelor's degree from Southwestern Oklahoma State University with a double major in marketing and accounting. He and his wife, Barbara, reside in Norman. They have a daughter, Morgan, and a son, Ryan, who also reside in Oklahoma, and have started their careers here.

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